

1
2

FILED
LODGED

ENTERED
RECEIVED

Magistrate Judge Tsuchida

3

SEP 30 2015 JMG

4
5
6

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

7

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8

Re:

Digital Device Samsung Galaxy Cell Phone,
Balck SM-N910WB, S/N: RF8FA10H01QD

Google Account: tbeavis@gmail.com

10 NO. 2015-mj-00034-MAT

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
**GOVERNMENT'S
MOTION TO UNSEAL SEARCH
WARRANT RELATED MATERIALS
AND PROPOSED ORDER**

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Cecelia Gregson, Special Assistant United States Attorney for said District, requests entry of an order unsealing the search warrant, application, affidavit in support and accompanying return ("search warrant related materials") filed in the above captioned matter. The Court previously directed that the search warrant related materials be sealed at the government's request. The materials were to remain sealed until further order of the Court.

The law provides that search warrant related materials may remain under seal during the pendency of an investigation. *See United States v. Custer Battlefield Museum*, 658 F.3d 1188, 1192-93 and 1196 (9th Cir. 2011). In addition, the government may seek an order continuing to maintain the materials under seal even after the return of an indictment or the closure of an investigation based on compelling reasons. *Id. at 1195*.

1 Those reasons can include the need to (1) protect the identity and safety of witnesses, (2)
2 protect the integrity of other investigations, (3) avoid risk of flight, tampering with
3 witnesses, or destruction of evidence, (4) protect a national security concern, (5) protect a
4 matter occurring before the grand jury, (6) protect victims, or (7) protect the safety of the
5 target of the investigation.

6 Upon review of the files in this matter, and with due consideration of the factors
7 identified above, the government has determined there is no longer a compelling reason
8 to maintain the materials under seal and respectfully requests entry of the attached order.

9 DATED this 30th day of September, 2015.

10
11 Respectfully submitted,

12 ANNETTE L. HAYES
13 United States Attorney

14
15 s/Cecelia Gregson
16 CECELIA GREGSON
17 Special Assistant United States Attorney
18 United States Attorney's Office
19 700 Stewart Street, Suite 5220
20 Seattle, WA 98101-1271
21 Telephone: (206) 553-7970
22 Fax: (206) 553-2502
23
24
25
26
27
28

ORDER

Based upon the government's Motion, and the representations made therein, the Government's Motion to Unseal is GRANTED.

IT IS HEREBY ORDERED that the search warrant, application, affidavit in support and accompanying return previously filed under seal in the above-captioned matter shall be UNSEALED.

DATED this 1 day of Oct., 2015.

The Honorable Brian A. Tsuehida

United States Magistrate Judge

United States Magistrate Judge
MARY ALICE THEILER
US MAGISTRATE JUDGE

UNITED STATES' MOTION TO UNSEAL - 3
NO. 2015-mi-00034-MAT

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5220
SEATTLE, WASHINGTON 98101
(206) 553-7970